

City Council Introduction: **Monday**, April 14, 2003
Public Hearing: **Monday**, April 21, 2003, at **5:30 p.m.**

Bill No. 03-58

FACTSHEET

TITLE: **DECLARATION OF SURPLUS PROPERTY**, requested by the Director of the Parks and Recreation Department, declaring a portion of the Highlands South Park as surplus property, consisting of 0.3 acres, more or less, generally located at W. Katleman Drive and N.W. Fairway Drive.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan (**Comprehensive Plan Conformance No. 03004**).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/02/03
Administrative Action: 04/02/03

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (6-0: Carlson, Bills-Strand, Larson, Taylor, Steward and Schwinn voting 'yes'; Krieser, Newman and Duvall absent).

FINDINGS OF FACT:

1. The staff conclusion and recommendation to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3-4.
2. On April 2, 2003, public hearing was held before the Planning Commission. Testimony in support on behalf of the abutting property owners is found on p.5.
3. There was no testimony in opposition.
4. On April 2, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 7, 2003

REVIEWED BY: _____

DATE: April 7, 2003

REFERENCE NUMBER: FS\CC\2003\CPC.03004

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Comprehensive Plan Conformity #03004
Highlands South Park Surplus Property

DATE: March 19, 2003

SCHEDULED PLANNING COMMISSION MEETING:

April 2, 2003

PROPOSAL: The Parks Department requests a review to find that the declaration of surplus for a portion of the Highlands South Park is in8 conformance with the Comprehensive Plan.

CONCLUSION: The request conforms with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Approximately the west 20' and south 50' of Outlot A, Highlands West 1st Addition, located in the SW 1/4 of Section 3 T10N R6E, to be more specifically described in a legal description provided by the Parks Department.

AREA: 0.3 acres, more or less.

LOCATION: W. Kattleman Drive and NW Fairway Drive.

APPLICANT: Lynn Johnson
Parks and Recreation Director
2740 A Street
441-7847

OWNER: City of Lincoln by purchase agreement with Highlands Development

CONTACT: Lynn Johnson

PURPOSE: The Planning Commission is required to review the declaration of surplus for conformity with the Comprehensive Plan.

EXISTING ZONING: R-3, Residential

EXISTING LAND USE: Undeveloped open space as an outlot.

SURROUNDING LAND USE AND ZONING:

North:	Park, Residential	P, Public, R-3, Residential
South:	Residential	R-3,
East:	Park, Residential	P, R-3
West:	Park, Residential	P, R-3

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Lincoln/Lancaster County Comprehensive Plan designates this area as Urban Residential.

The Comprehensive Plan indicates that there should be:
“2 acres of neighborhood parkland per 1,000 residents” (F 136).

HISTORY:

Zoned A-2, Single Family until it was updated during 1979 Zoning Update to 'R-3' Residential.

ANALYSIS:

1. The Parks and Recreation Department recently acquired Outlot A, Highlands West 1st Addition with the intention of selling a small portion to the adjacent landowners for an extension to their backyards. The remaining outlot will be combined with the park. The parcels will become legally attached to the adjoining lots at time of purchase and recording of the deed.
2. The Comprehensive Plan indicates that there should be two acres of parkland per 1,000 residents. The Parks and Recreation Department indicates that this results in one neighborhood park (8-12 acres in size) per square mile of residential development. There is sufficient park areas in the vicinity to justify the release of this portion of Highlands South Park.
3. The Highlands area is approximately one square mile in size, and contains two park areas:
Highlands Park, adjoining Fredstrom Elementary School is approximately 10.9 acres in size and is centrally located within the neighborhood. Highlands Park includes typical neighborhood park features, including a playground, walking paths, open lawn area and park shelter.

Highlands South Park is located south of Highlands Park along an unnamed tributary of Lynn Creek. This park site is approximately 34 acres in size, including the recently acquired outlot area. Highlands South Park is bordered on the north by an earlier phase of development, and on the south by homes that have recently been constructed in the past several years. A majority of the park area is managed in native and conservation grasses as guided by a master prepared in consultation with neighborhood residents. Two play fields and the “Highlands Loop Trail” are located in Highlands South Park.

4. The Parks and Recreation Department indicated that on occasion there is a surplus of park property that is difficult to maintain or land that does not benefit the Parks and Recreation Department goal to provide the community's recreation needs. In this case adjacent property owners showed interest in this land.

Prepared by:

Becky Horner
Planner

COMPREHENSIVE PLAN CONFORMANCE NO. 03004

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 2, 2003

Members present: Steward, Carlson, Bills-Strand, Larson, Taylor and Schwinn; Krieser, Newman and Duvall absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

The Parks Department did not appear.

Support

1. Tom Reisher, 5438 N.W. Fairway Drive, one of the adjoining properties, testified in support on behalf of the nine adjoining property owners.

Steward asked Reisher to give the Commission some insight as to how this communication initially transpired with the Parks Department. Reisher indicated that it actually began with another portion of the Highlands South Park along the northern and western edges. There was a similar surplus around those properties due to encroachments that, over the last 20 years, had grown out of the lack of development of the park area. Rather than try to clean all of that up and move out railroad ties, etc., Parks agreed to surplus the 10-20-30 ft. stretch along the border of the park and make that available for purchase by the adjoining homeowners. At that time, Reisher and his neighbors had all been under the impression that Outlot A had been swapped between the developer and the Parks Department a few years ago and that this property had been included in that original transaction, but it was not.

Carlson observed that it looks like the part being surplus is about 1/3 acre out of about 34 acres of park land. Reisher concurred that it is a very small portion of the Highland South Park.

There was no testimony in opposition.

Public hearing was closed.

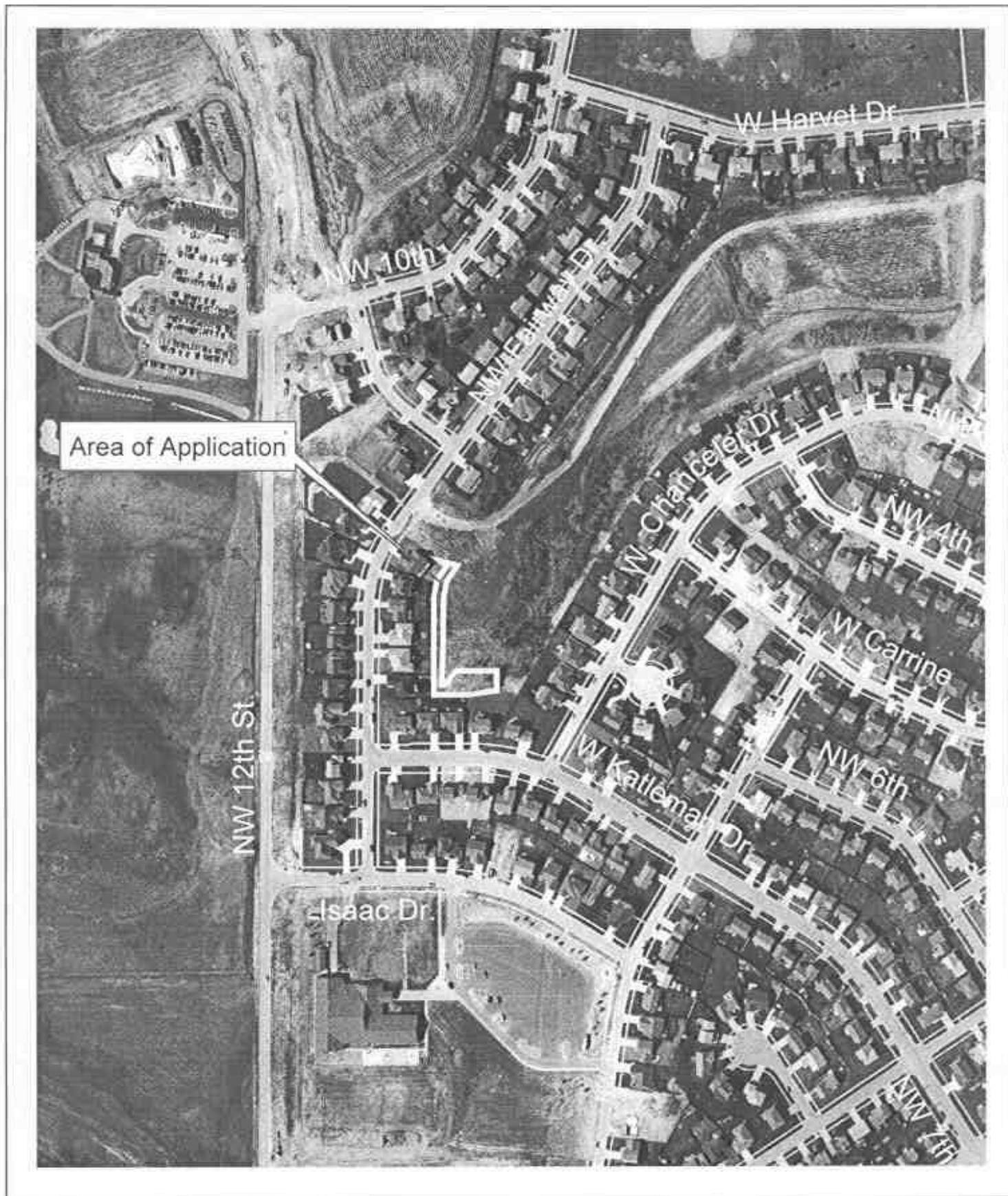
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

April 2, 2003

Larson moved a finding of conformance, seconded by Taylor

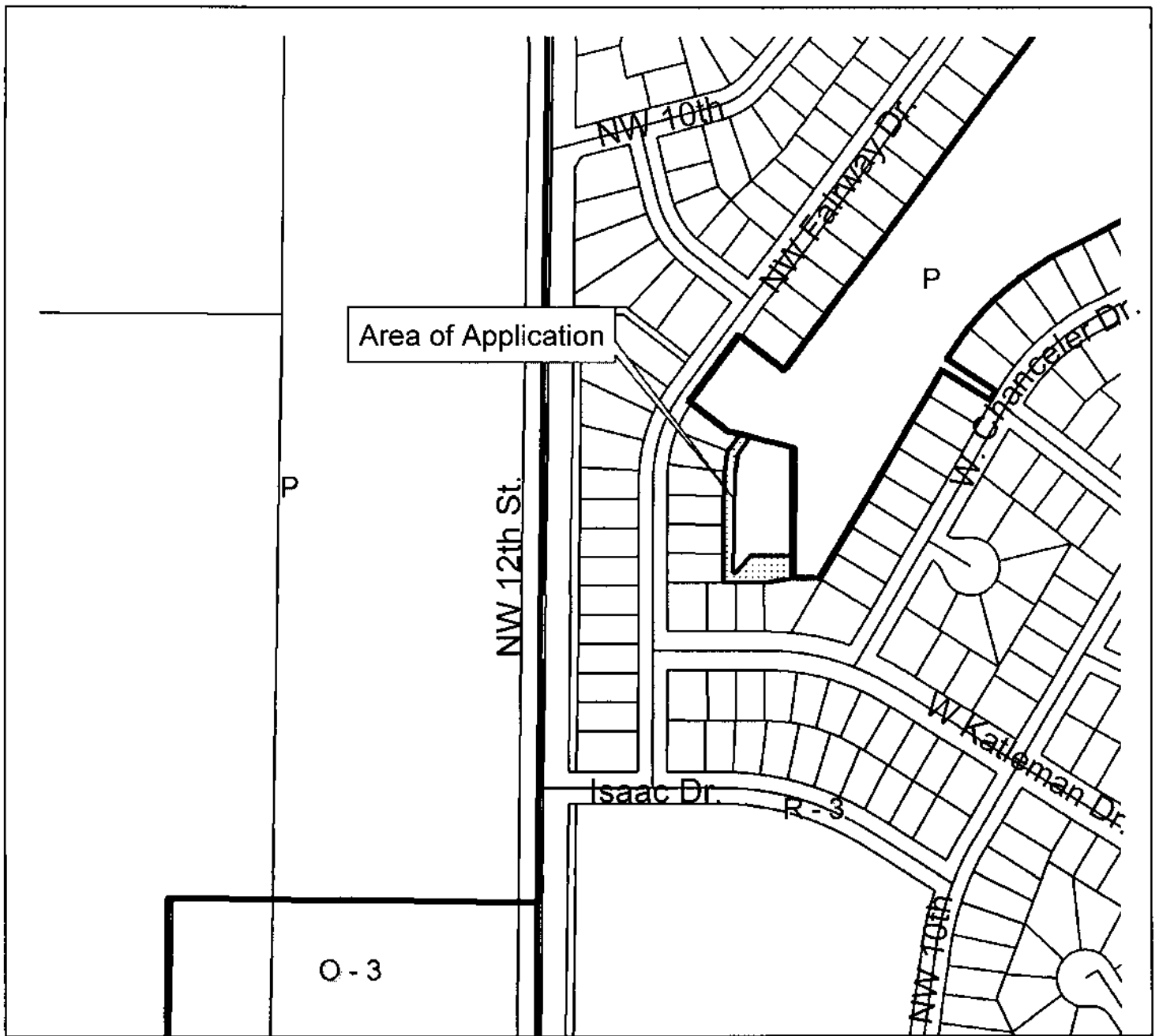
Schwinn noted that this has been going on the entire six years that he has been on the Commission and he is glad to see the end of it .

Motion to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan carried 6-0: Steward, Carlson, Bills-Strand, Larson, Taylor and Schwinn voting 'yes'; Krieser, Newman and Duvall absent.



Comprehensive Plan Conformance #03004
W. Katleman Dr. & NW Fairway Dr.
Declaration of Surplus Property



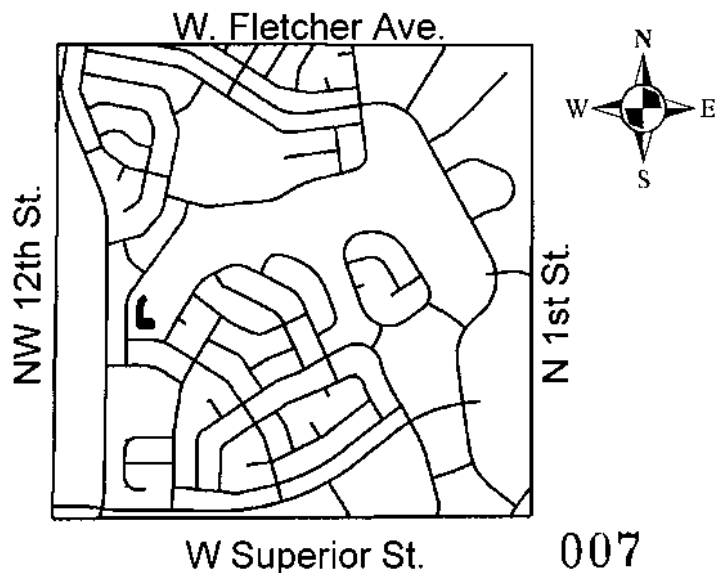
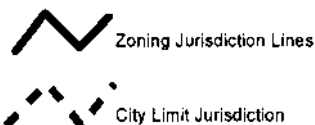


Comprehensive Plan Conformance #03004

W. Katleman Dr. & NW Fairway Dr. Declaration of Surplus Property Zoning:

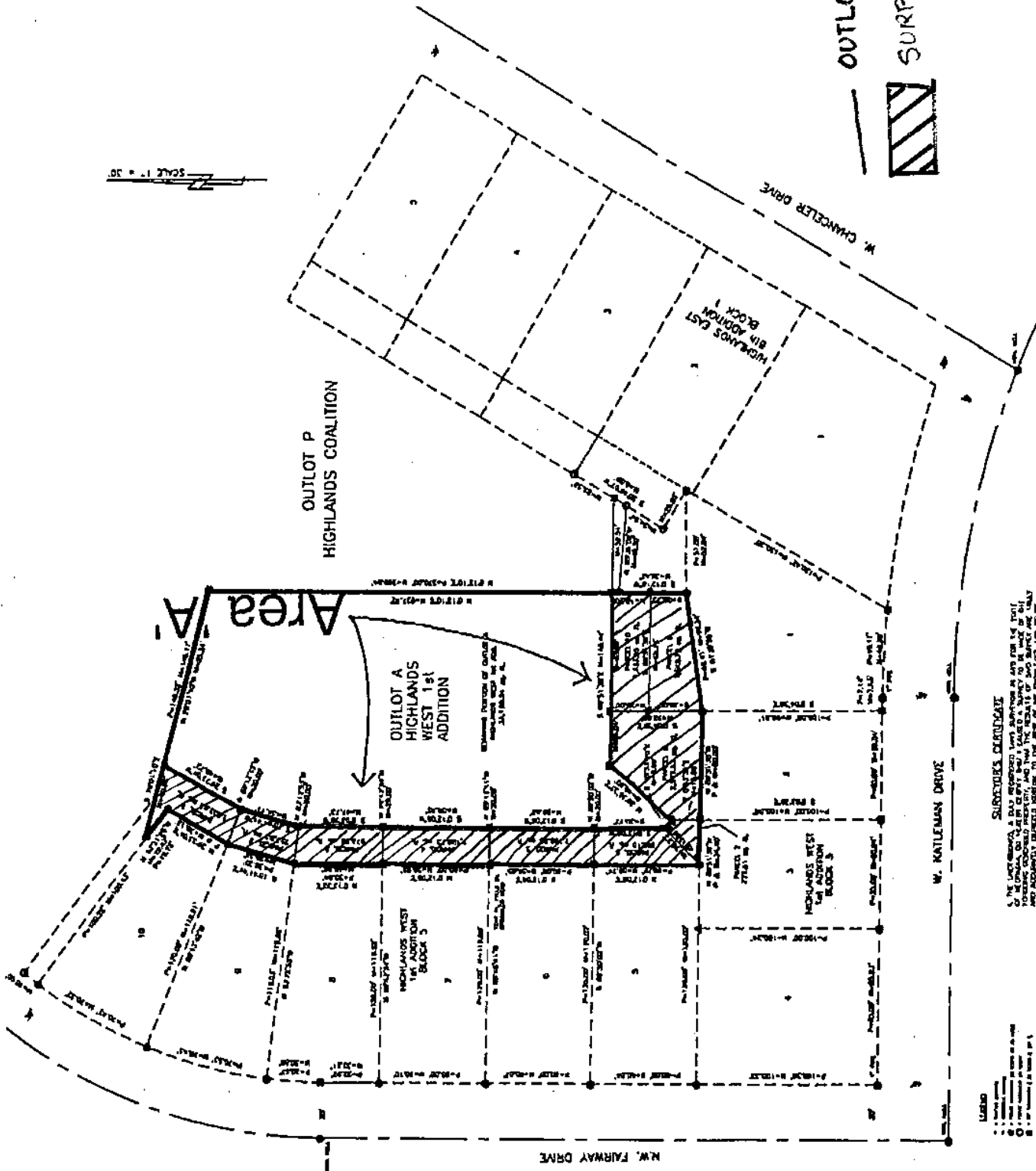
One Square Mile
Sec. 3 T10N R6E

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



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Memorandum

March 3, 2003

TO: Marvin Krout, Planning Director

FR: Lynn Johnson, Parks and Recreation Director 

RE: Declaration of Surplus Property Along the Boundary of Highlands South Park

The purpose of this memo is to request consideration of a proposal to declare an area along the boundary of Highlands South Park as surplus to the needs of the City. This area is located along the west and south boundaries of a recently acquired outlot area at the western end of the park described as follows:

An area generally 20 feet in width along the west boundary, along with an area generally 50 feet in width along the south boundary of Outlot 'A', Block 5, Highlands West 1st Addition.
(approximately 0.3 acres)

Background

Owners of property abutting the west and south sides of a recently acquired outlot at the western end of Highlands South Park have expressed an interest in acquiring additional property to extend the rear yards of their residences. (Please refer to "Area A" on the attached exhibit.) Parks and Recreation staff have been working with the adjoining property owners to develop a mutually acceptable proposal. Ideally transfer of ownership of this land area would have occurred prior to acquisition of the property by the City. However, provisions of the land subdivision code made the process of enacting a transaction between the prior owner of the outlot area and the adjoining property owners cumbersome. (The action would have required replatting the outlot area and the adjoining lots.)

Consistency with the Comprehensive Plan

The recently adopted *City of Lincoln/Lancaster County Comprehensive Plan* establishes a standard of 2 acres of neighborhood parkland per 1,000 residents. This results in a neighborhood park of approximately eight to twelve acres per square mile of residential development. The Highlands area is approximately one square mile in size, and contains two park areas:


- Highlands Park, adjoining Fredstrom Elementary School, is approximately 10.9 acres in size and is centrally located within the neighborhood. Highlands Park includes typical neighborhood park features including a playground, walking paths, open lawn area and park shelter.
- Highlands South Park is located south of Highlands Park along an unnamed intermittent tributary of Lynn Creek. This park site is approximately 34 acres in size, including the recently acquired outlot area. Highlands South Park is bordered on the north by an earlier

phase of residential development, and on the south by homes that have recently been constructed in the past several years. A majority of the park area is managed in native and conservation grasses as guided by a master prepared in consultation with neighborhood residents,. Two play fields and the "Highlands Loop Trail" are located in Highlands South Park.

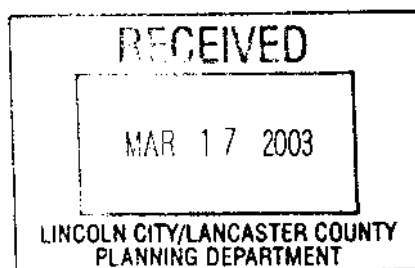
The Highlands area is adequately served by the two existing park areas. Transferring ownership of the subject area to adjoining property owners lessens the need for public expenditure in maintaining parkland, and is not detrimental to recreation and open space resources in the Highlands area.

Please contact me with questions. Thanks for your assistance.

M e m o r a n d u m

To: Becky Horner, Planning Department
From:  Chad Blahak, Public Works and Utilities
Subject: CPC 03004 - Surplus Property in Highlands West 1st Addition Outlot A
Date: March 14, 2003
cc: Randy Hoskins
Dennis Bartels

Engineering Services has reviewed the proposed surplus property declaration located generally along the west and south boundaries of Outlot A, Block 5, Highlands West 1st Addition and has no objections.





Memo

To: Becky Homer, Planning Department

Fax: 441-6377

From: Mark Canney, Parks & Recreation

Date: March 21, 2003

Re: Highlands South Park Surplus – Staff Report Revision

Please find attached a copy of the changes Lynn would like to see to the staff report for the above referenced application.

Regarding the justification. On occasion when there is surplus property that is difficult to maintain or not benefiting the Parks Department goals of providing community recreation needs either in function or aesthetics releasing the property is considered. This is particularly true when an interested adjacent property owner comes forth and is interested in the property. Typically it occurs along bike trails that have been converted from old railway lines.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

